

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AUGUST DALLAS,

Defendant.

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Case No. 8:04CR69

Case No. 8:06CR78

ORDER

This case is before the court on the government's oral motion for a determination of competency, pursuant to 18 U.S.C. § 4241. The motion was heard on March 26, 2008, during the defendant's appearance in 8:06CR78, on a Petition for Action on Conditions of Pretrial Release (#80) and 8:04CR69, on a second Petition for Warrant for Offender Under Supervision (#54). At the hearing were the defendant, his counsel Steven Achelpohl, and Assistant United States Attorney, Douglas Semisch.

During the hearing, Mr. Semisch made representations to the court that the defendant's competency to stand trial was in question. The defendant, through counsel, objected to the government's oral motion. For good cause shown, the government's oral motion for determination of competency will be granted in part, as it is the court's belief that additional evidence as to the current psychiatric condition of Mr. Dallas is necessary before the court can proceed on the pending petitions.

IT IS ORDERED:

1. The government's oral motion for psychiatric evaluation under 18 U.S.C. § 4241 is granted in part.

2. Pursuant to 18 U.S.C. § 4241, the defendant is ordered to have a psychiatric evaluation to be conducted by Bruce Gutnik, M.D., 10050 Regency Circle, Omaha, Nebraska 68114.

3. The defendant is also ordered to have a psychiatric evaluation by a psychiatrist to be named by the government. The government is given eight (8) calendar days to name a psychiatrist.

4. The United States Marshal is directed to transport the defendant, August Dallas, under such conditions as the U. S. Marshal shall deem appropriate, from his place of detention to the above-mentioned examinations, and to return August Dallas to his place of detention upon completion of each of the evaluations. The U. S. Marshal shall be given notice of the examination dates at least 72 hours prior to transportation.

5. Upon receipt by the court and counsel of the examination reports, a hearing will be promptly scheduled by the court to determine the competency of the defendant.

6. The issue of detention is held in abeyance pending the court's receipt of the evaluations.

Dated this 26th day of March 2008.

BY THE COURT:

S/ F. A. Gossett
United States Magistrate Judge